

### REMARKS

In the office action of September 14, 2004, the examiner required the applicant to elect to restrict the claims to claims 1-10 (Group I) or claims 11-16 (Group II). The applicant has elected Group I, namely the spoon and straw combination utensil having a bowl portion, however, the applicant respectfully traverses the election requirement as some of the claims of both Group I and Group II share elements of novelty such as claims 10 and 13. Claims 1, 2 and 10 read on the elected species.

The Commissioner is hereby authorized to charge any additional fees required in connection with submission of this response under 37 C.F.R. §1.16 or credit any overpayment to Account No. 13-3403.

The foregoing is submitted as a full and complete response to the office action mailed September 14, 2004.

### SUMMARY

The foregoing remarks are believed to have placed claims 1 – 16 in condition for allowance and such action is courteously solicited.

Respectfully submitted,

**MILLER & MARTIN LLP**

By: \_\_\_\_\_

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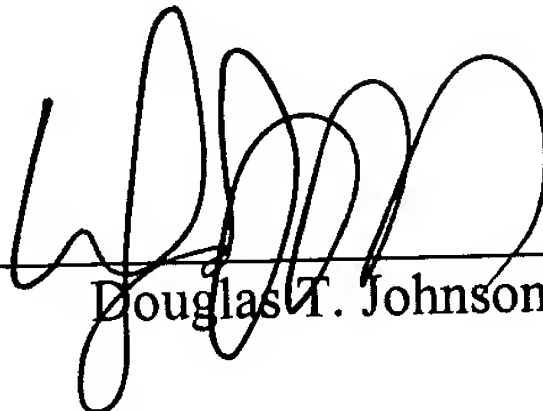


**CERTIFICATE OF MAILING**

I hereby certify that the preceding Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

MAIL STOP - RESPONSES  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on this 20 day of October, 2004.

  
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Douglas T. Johnson